

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

**37CELSIUS CAPITAL PARTNERS, L.P.,
AND 37CELSIUS CAPITAL PARTNERS, LLC,**

Plaintiffs,

v.

Case No. 20-CV-621

**INTEL CORPORATION
AND CARE INNOVATIONS, LLC,**

Defendants.

ORDER

WHEREAS, plaintiffs 37Celsius Capital Partners, L.P. and 37Celsius Capital Partners, LLC (“plaintiffs”) and defendant Intel Corporation (“Intel”) jointly request that this Court issue the following Order to facilitate the production of data collected from plaintiffs by FTI Consulting (“FTI”), the vendor selected pursuant to this court’s October 3, 2022 Order (ECF No. 84); and

WHEREAS, Fed R. Evid. 502(d) states that “[a] federal court may order that the [attorney-client] privilege or [work-product] protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other federal or state proceeding,”

IT IS THEREFORE ORDERED that, pursuant to Fed. R. Evid. 502(d), the production to any party (or any party's counsel) of any data that FTI collected from plaintiffs pursuant to this court's October 3, 2022, Order (ECF No. 84), whether such production be deemed intentional or inadvertent, shall not in itself constitute a waiver by plaintiffs—in this or any other federal or state proceeding—of any attorney-client privilege or work product protection.

IT IS FURTHER ORDERED that Intel and their counsel may review any data provided by FTI upon receipt of that data and shall not be responsible for identifying or notifying plaintiffs or their counsel regarding materials within the data that might be covered by attorney-client privilege or work product protection.

IT IS FURTHER ORDERED that plaintiffs shall have two weeks after their receipt of bates-labeled versions of the produced portions of the collected data to identify any specific materials that plaintiffs assert to be covered by attorney-client privilege or work product protection, by providing Intel with a privilege log that complies with Fed. R. Civ. P. 26(5)(A). Any claim of attorney-client privilege or work product protection shall be waived if not thus timely asserted.

Dated at Milwaukee, Wisconsin this 8th day of June, 2023.


WILLIAM E. DUFFIN
U.S. Magistrate Judge